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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,352	02/26/2004	Chien-Hung Kuo	10871-US-PA	2351
31561	7590	01/25/2006	EXAMINER	
JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE			TON, ANABEL	
7 FLOOR-1, NO. 100			ART UNIT	
ROOSEVELT ROAD, SECTION 2			PAPER NUMBER	
TAIPEI, 100			2875	
TAIWAN			DATE MAILED: 01/25/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

EK

Office Action Summary

Application No.

10/708,352

Applicant(s)

KUO ET AL.

Examiner

Anabel M. Ton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-14 and 16-18 is/are rejected.
- 7) ☐ Claim(s) 6 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4,7 are rejected under 35 U.S.C. 102(e) as being anticipated by Wu et al (6,974,221).

4. Wu et al discloses a frame (20), a reflecting plate set on the bottom interior section of the frame (30), at least a lamp (40, figs 3) set within the frame above the reflecting plate a diffusion plate (60) set over the frame and above the lamp; a plurality of optical films set over the diffusion plate (70); and at least a supporting element set between the reflecting plate and the diffusion plate (200) wherein each supporting element has a first supporting section for supporting the diffusion plate and a second supporting section(45) for supporting the lamp; the material constituting the

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Supporting element comprises a transparent material (sol. 5 lines 1-3); the first supporting section separates from the diffusion plate by a first distance and the second supporting section separates from the lamp by a second distance (figs 2-3); the supporting element is a conical body having a tip section and a through hole wherein the tip section of the conical body supports the diffusion plate and the through hole supports the lamp (fig 2) and wherein a part of the lamp is positioned within the through hole (figs 2-3), one end of the supporting element is attached to the reflecting plate through a thermal glue (col. 4 lines 28-33); one end of the supporting element is latched onto a corresponding groove on the reflecting plate (G, fig 2);

- Back light module having a first frame ((20,23); a reflecting plate set up on the bottom interior section of the first frame (30); at least a lamp set within the first frame within the reflecting plate (40); a diffusion plate set over the first frame above the lamp (60); a plurality of optical films (70) set over the diffusion plate; and at least a supporting element set between the reflecting plate and the diffusion plate, wherein each supporting element has a first supporting section (200) for supporting the diffusion plate and a second supporting section (45) for supporting the lamp; a liquid crystal panel above the optical films; and a second frame positioned over the first frame and covering the edges of the liquid crystal panel (80, col. 2 lines 40-48).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 5,9,14,18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu et al.

7. Wu et al discloses the claimed invention except for the recitation of the supporting element being a thin triangular body having a tip and the reflecting plate and supporting element being locked together by means of a screw. It would have been obvious to one of ordinary skill in the art at the time the invention was made to reduce the volume of the supporting element of Wu et al, particularly the first supporting element, since it has been held by the courts that, where the only difference between the prior art and the claims was a recitation of relative dimensions of the claimed device, and a device having the claimed relative dimensions would not perform differently than the prior art device, the claimed device was not patentably distinct from the prior art device. *In Gardner v. TEC Systems, Inc.*, 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. denied, 469 U.S. 830, 225 USPQ 232 (1984). In this case the device of Wu is of the same material and performs equally as well as that of the instant invention. With regards to locking the supporting element with the reflecting plate by means of a screw, It would have been an obvious to one having ordinary skill in the art at the time the invention was made to use a screw to lock the supporting element to the reflecting

plate since the examiner takes Official Notice of the equivalence of a screw and the resilient locking projections as used by applicant (160a, 60b, 161a, 161b) for their use in the illumination art and the selection of any of these known equivalents to lock/fasten two surfaces together would be within the level of ordinary skill in the art.

Allowable Subject Matter

8. Claims 6 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: The prior art cited of record does not anticipate nor teach in combination the limitation of the structure of the supporting element as recited in the abovementioned claims.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M. Ton whose telephone number is (571) 272-2382. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anabel M Ton
Examiner
Art Unit 2875

AMT



Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800